

17364 U.S. PTO  
011604

Patent: Continuation Application Transmittal  
Attorney Docket: 949797-100029US  
Express Mail No. EL 975107455 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior Application Information:  
Prior Lyon & Lyon Attorney Docket No.: 254/154US  
Prior Jones Day Attorney Docket No. 949797-100013  
First Named Inventor: Edward M. Goldsmith  
Serial No.: 09/663,598  
Examiner: Graham, Mark S.  
Art Unit: 3711

Box Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22387 U.S. PTO  
10/759525  
011604

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/663,598 filed  
on September 15, 2000, by

**Goldsmith, Edward M. et al., entitled:**

**HOCKEY STICK**

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Box Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

EL 975107455 US  
Express Mail Label No.

January 16, 2004  
Date of Deposit  
LAI-2089860v1

Yolanda Ybuan  
Name of Person Mailing Paper  
Yolanda H. Ybuan  
Signature of Person Mailing Paper

# **I. APPLICATION ELEMENTS ENCLOSED**

26 Page(s) of Written Description  
19 Page(s) of Claims  
1 Page(s) of Abstract  
12 Sheet(s) of Drawings ☒ formal ☐ informal  
2 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney  
1 Page(s) of ☒ Power of Attorney  
☒ Copy from prior application [37 CFR §1.63(d)]  
☐ Newly executed  
1 Other: Return Postcard

- ☒ Copies of Assignment papers (from patent appln. serial no. 09/663,598)  
☐ An Information Disclosure Statement, PTO 1449, ☐ with copies of noted cited items.  
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

## **II. FEE CALCULATION**

☐ Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>				770.00
Total Claims	-	20	=	x \$18.00 \$00.00
Independent Claims	-	3	=	x \$86.00 \$00.00
Multiple Dependent Claims	\$290	(if applicable)	<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>				
Reduction by ½ for Filing by Small Entity.			<input type="checkbox"/>	\$00.00
Misc. Filing Fees (Recordation of Assignment)				\$0.00
<b>TOTAL FEES DUE HERewith</b>				\$00.00

## **III. PRIORITY - 35 USC § 119**

- ☐ Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC § 119.  
☐ The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.  
☐ The certified copy will follow.

**IV. AMENDMENTS**

- ☒ Cancel in this application original claims 1-29, 38-39 and 50-107 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- ☒ Relate back information included in preliminary amendment.
- ☐ Please amend the specification as follows:
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - ☒ the same.
  - ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
[Name(s) of inventor(s) to be deleted]

**VI. METHOD OF PAYMENT OF FEES**

- ☐ Attached is a check in the amount of \_\_\_\_\_.
- ☐ Charge Jones Day's Deposit Account No. **50-2468** in the amount of \$\_\_\_\_\_
- ☒ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Jones Day's Deposit Account No. **50-2468** for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **50-2468**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☒ 37 CFR § 1.21 (Assignment recordation fees)

### VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☐ The power appears in the original papers in the prior application.
- ☒ The original power does not appear in the original papers, but was filed on February 8, 2001 in prior application Serial No. 09/663,598 with Applicants' Response to the Notice To File Missing Parts dated October 30, 2000. A copy of that original Power is enclosed herewith. Subsequently, in October of 2002, the Correspondence Address and Practitioner of Record for application Serial No. 09/663,598 was transferred to Customer No. 34026. As set forth below, all correspondence relating to this application should be sent to Customer Number 34026.
- ☐ A new power has been executed and is attached.

Please send all correspondence to Customer Number 34026:

34026	JONES DAY
	555 W. Fifth Street, Suite 4600
PATENT TRADEMARK OFFICE	Los Angeles, CA 90013-1025
	Tel.: (213) 489-3939

Please direct all inquiries to Yasser M. El-Gamal, at the above Customer Number and address.

### IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☒ A Petition for an Extension of Time with fee has been filed to extend the term in the pending **prior** application until at least January 16, 2004, the date of filing of this continuing application. A copy of the petition for extension of time in the **prior** application is attached hereto.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- ☒ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in the Preliminary Amendment, noted in Item V above, that accompanies this application.

Respectfully submitted,

JONES DAY

Dated : January 16, 2004

By: 

Yasser M. El-Gamal  
Reg. No. 45,339

**Customer No. 34026**

JONES DAY  
555 W. Fifth Street, Suite 4600  
Los Angeles, CA 90013-1025  
(213) 489-3939

Enclosures (as noted)

JAS. D. EASTON

Name of Assignee

7855 Haskell Avenue, Suite 200

Address of Assignee

President

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on February 28, 2001, Reel 011532, Frame 0090. (copy attached)

Patent: Petition for Extension of Time  
Prior Attorney Docket: 254/154 US  
Current Attorney Docket: 949797-100013 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

**Inventor: Goldsmith, Edward M. et al.**

**Serial No.: 09/663,598**

**Filed: September 15, 2000**

**For: Hockey Stick**

**Prior Docket No.: 254/154 US**

**Current Docket No.: 949797-100013**

**Customer No.: 34026**

**Group Art Unit: 3711**

**Examiner: Graham, Mark S.**

COPY

**PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A Notice of Appeal in the above-identified patent application was filed (via Express Mail) on July 16, 2003 and received by the U.S. Patent Office on July 22, 2003. Transmitted herewith is a Petition for an Extension of Time for the above-referenced patent application. A Return Receipt Postcard accompanies this filing.

LA-2017925.1

**CERTIFICATE OF MAILING**  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Box Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

EV 283743070 US  
Express Mail Label No.

January 16, 2004  
Date of Deposit  
LAI-2090027v1

Yolanda G. Ybuan  
Name of Person Mailing Paper  
Yolanda G. Ybuan  
Signature of Person Mailing Paper

# COPY

Patent: Petition for Extension of Time  
Prior Attorney Docket: 254/154 US  
Current Attorney Docket: 949797-100013 US

- ☒ Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)	FEE FOR SMALL ENTITY	FEE FOR OTHER THAN SMALL ENTITY
1 month	<input type="checkbox"/> \$55.00	<input type="checkbox"/> \$110.00
2 months	<input type="checkbox"/> \$210.00	<input type="checkbox"/> \$420.00
3 months	<input type="checkbox"/> \$475.00	<input type="checkbox"/> \$950.00
4 months	<input type="checkbox"/> \$740.00	<input checked="" type="checkbox"/> \$1,480.00
5 months	<input type="checkbox"/> \$1,005.00	<input type="checkbox"/> \$2,010.00

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.
- ☒ Extension fee due with this Request \$1,480.00.
- ☒ If an additional extension of time is required, please consider this a petition therefor.
- ☐ A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).
- ☒ Charge Jones Day's Deposit Account No. 50-2468 in the amount of \$ \$1,480.00.
- ☒ The Commissioner is authorized to charge Jones Day's Deposit Account No. 50-2468 for any fees required under 37 CFR §§ 1.16 and 1.17 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account 50-2468

Respectfully submitted,

JONES DAY

Dated: January 16, 2004

By: 

Yasser M. El-Gamal  
Reg. No. 45,339

Jones Day  
555 West Fifth Street  
Suite 4600  
Los Angeles, California 90013-1025  
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CUSTOMER NO.: 34026